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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,262	07/28/2000	Andrew Warner	977.035US1	2344

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EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/627,262

Applicant(s)

WARNER, ANDREW

Examiner

Hal D Wachsman

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 5-6-02, 2-10-03 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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10

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Hal D Wachsman
Primary Examiner
Art Unit: 2857

1. The proposed drawing corrections to Figures 1-3 as well as to Figures 4-7 have been approved by the Examiner. Corrected drawings are required in reply to this Office Action.
2. With respect to the listing of references in the specification, the Applicant's reply filed 2-10-03 indicated that the Applicant will cite these references in an information disclosure statement however no such information disclosure statement has been received for consideration.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau et al. (6,147,987) in view of Armistead et al. (6,260,071) and Eckes et al. (6,243,832)

As per claim 7, Chau et al. disclose a network access server (i.e. RAS) comprising a processor and a telephone network interface connected to the processor (see at least abstract), wherein the processor operates under program control to provide spoofing support (Figs. 1, 4, col. 6, lines 36-47, col. 8 lines 16-27) Chau et al. does not explicitly disclose a RAS concentrator or that the telephone network interface is a Public

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Switched Telephone Network interface connected to a processor or spoofing individual analog modem connections. However, Armistead et al. teach the use of RAS concentrators with PSTN interfaces in large network access server systems that provide dial-up services (col. 1 lines 13-19, 32-37) across a PSTN. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chau et al. to use a RAS concentrator with a PSTN interface instead of a network access server (i.e. RAS), because Armistead et al. teach the use of RAS concentrators with PSTN interfaces for the same purpose as a network access server (i.e. RAS), only on systems of a larger scale, and systems that use a PSTN. In addition, it would have also been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Armistead et al. to the invention of Chau et al. because as taught by Armistead et al. (col. 1 lines 32-34) a large NAS (which is found in Chau et al.) will typically be constructed from multiple remote access concentrators each having its own transmission facilities connecting it to the PSTN. It appears though that the above combination of references still does not clearly teach the spoofing of individual modem connections. However, Eckes et al. discloses a test bed having a bank of modems (Fig. 2, and col. 6 lines 20-24), wherein the test bed includes a means for spoofing operation of a plurality of modems (col. 3 lines 32-52) and executing software in the test bed for the modem bank to establish connections between the test bed modem bank and the bank of modems to be tested (col. 3, lines 39-52, col. 7 lines 40-64). Armistead et al. teach that RAS concentrators typically have their own transmission facilities for connecting to a communications medium, in this case, a PSTN (col. 1 lines 32-37). It

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would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chau et al. in combination with Armistead et al. to include support for spoofing individual modem connections across the PSTN interface of the RAS concentrator, because Eckes et al. teach spoofing support for a test bed bank of modems, and Armistead et al. teach that RAS concentrators typically have their own transmission facilities for connecting to a communications medium (i.e., a RAS concentrator performs the same function as a bank of modems, among other things).

As per claim 8, Chau et al. in combination with Armistead et al. and Eckes et al. teach a RAS concentrator including a processor and a PSTN interface connected to the processor, wherein the processor operates under program control to spoof individual analog modem connections across the PSTN interface, as discussed in claim 7 above. Chau et al. in combination with Armistead et al. and Eckes et al. does not teach a RAS concentrator including a computer interface that can communicate with a computer. However, Eckes et al. teach a modem bank that can communicate with a computer (col. 6 lines 20-24) for the purpose of spoofing individual modem connections across a communications medium. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Chau et al. in combination with Armistead et al. and Eckes et al., as discussed previously in claim 7 above, to provide a RAS concentrator adapter with an interface that can communicate with a computer, because the modem bank taught by Eckes et al. communicates with a computer and performs the same function as the RAS concentrator adapter of the instant application.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chau et al. (6,147,987) in view of Armistead et al. (6,260,071) and Eckes et al. (6,243,832) as applied to claim 8 above, and further in view of Eng et al. (6,195,359).

As per claim 9, Eng et al. (Abstract, figure 3, col. 4 lines 55-67, col. 5 lines 1-3) teach the feature of this claim. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the techniques of Eng et al. to the inventions of Chau et al., Armistead et al. and Eckes et al. as specified above because Eng et al. teach that a RAS can be implemented on an adapter card.

6. Claims 1-6 and 10-12 are allowed.

7. Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
April 22, 2003